UNITED STATES DISTRICT COURT		
SOUTHERN DISTRICT OF NEW YORK		
	x	
IN RE VEECO INSTRUMENTS INC. SECURITIES LITIGATION	: : : : :	05 MD 1695 (CM)(GAY)
THIS DOCUMENT RELATES TO: ALL ACTIONS	x : : :	
	X	

## DECLARATION OF J. ROSS WALLIN IN SUPPORT OF DEFENDANTS' OPPOSITION TO LEAD PLAINTIFF'S MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S MARCH 9<sup>TH</sup> ORDER

## (FILED UNDER SEAL PURSUANT TO CONFIDENTIALITY ORDER DATED MAY 16, 2006)

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Attorneys for Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr. and John P. Kiernan

- J. ROSS WALLIN declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:
- 1. I am a lawyer with the law firm of Gibson, Dunn & Crutcher LLP, counsel to Defendants Veeco Instruments Inc., Edward H. Braun, John F. Rein, Jr., and John P. Kiernan in this action.
- 2. The email string dated July 1, 2004, Bates-stamped VECO 0115826-30 and cited as Osterwise Declaration Exhibit 3 by Lead Plaintiff in its memorandum in support of its motion for partial reconsideration, was produced to Lead Plaintiff on August 21, 2006.
  - 3. Attached hereto as Exhibits are true and correct copies of the following:

Exhibit No.	<u>Description</u>
A	Affidavit of John F. Rein, Jr., dated August 25, 2006.
В	Excerpts from the deposition transcript of John F. Rein, Jr., dated February 28, 2007.
С	Excerpts from the deposition transcript of Bruce Huff, dated February 9, 2007.
D	Excerpts from the deposition transcript of John Kiernan, dated February 27, 2007.
E	Excerpts from the deposition transcript of Thomas Vollmer, dated January 10, 2007.
F	Declaration of Rory A. Greiss, dated August 25, 2006.
G	Excerpts from the deposition transcript of Gary Reifert, dated February 13, 2007.

Executed on April 2, 2007

I Ross Wallin